
**FOOD AND NUTRITION SERVICES CERTIFICATION
CHANGES WITHIN THE CERTIFICATION PERIOD
Notices**

**FNS 635 Notices
Change #2-2015
March 1, 2015**

635.01 INCOME MAINTENANCE TRANSMITTAL (DSS-8194)

- A. Use the Income Maintenance Transmittal Form, DSS-8194, to transmit information between public assistance programs. This includes changes reported by the FNS unit or when the FNS worker is aware of other pertinent facts.
- B. Complete the DSS-8194 in duplicate immediately upon learning of a change. Attach any verification that is beneficial to any program. Do not wait until action is taken on the FNS case. Route the original to the appropriate program. Retain the copy for the case record.

635.02 EFFECT OF CHANGE (DSS-8562)

Use the Effect of Change, DSS-8562, to notify the FNS unit when a reportable change results in no change in benefits or to notify a FNS unit of an increase in benefits.

A FNS unit has ten calendar days to request a hearing from the date the notice is sent if the FNS unit wishes to continue benefits at the current rate.

635.03 NOTICE OF ADVERSE ACTION (DSS-8553)

Use the Notice of Adverse Action, DSS-8553, to notify the FNS unit of a proposed reduction or termination of benefits within a certification period as a result of a reportable change, including when a change becomes known during the postponed verification period of an expedited case. Exceptions to this requirement are listed in 635.04.

- A. Complete the DSS-8553. Mail or give the notice to the FNS unit at least ten working days (exclude weekends and holidays) prior to the effective date of the action. Enter in NC FAST the first workday after the adverse action expires to allow the client 10 full days.
- B. Unless the FNS unit requests a fair hearing and continued benefits, the effective date of the action is the first day of the month following the expiration of the ten working day notice. See Section 705, Fair Hearings.
- C. The notice must contain the following information.
 - 1. A statement of the proposed action;
 - 2. An explanation of the reason for the action, including the regulation on which the action is based;
 - 3. The effective date of the action; **and**
 - 4. The name and telephone number of the person or office to contact for more information or to request a fair hearing.

635.04 EXCEPTIONS TO NOTICE OF ADVERSE ACTION

Individual Notices of Adverse Action are not required for the following.

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A. Mass Changes

The Food and Nutrition Services & Energy Programs Section is responsible for the issuance of notices for mass changes.

B. Expedited Services With Postponed Verification

At certification, NC FAST sends notification to the FNS unit that no benefits will be issued beyond the month of application until postponed verification is received. Act on postponed verification without further notice. Refer to Section 320, Expedited Service.

C. Notice of Death

Terminate the case when the agency receives notification of the death of **all** members of a FNS unit. Notification must be from a reliable source, such as contact from friends or relatives of the deceased, other agencies, or an obituary notice.

D. Household Moves From County or State. Refer to Manual Sections 450, 550 or 600 to determine if the change must be reacted to.

If the change must be reacted to refer to 635.06.

E. Disqualified Household Member (Intentional Program Violation [IPV])

Reduce or terminate benefits when a FNS unit member is disqualified for an IPV in accordance with Section 700, Hearings, and Section 800, Claims, or benefits of the remaining FNS unit members are reduced or terminated to reflect the disqualification of that FNS unit member.

F. Variable Allotment

When the FNS unit's allotment varies from month-to-month within the certification period due to changes that were anticipated at the time of certification, notify the FNS unit at the time of certification. Send a manual Notice of Eligibility, DSS-8551, regarding the variable allotment.

G. Joint Application

Change benefits when the household **jointly** applied for WFFA and FNS benefits and has been receiving FNS benefits pending the approval of the WFFA benefit. The household was notified at the time of certification that FNS benefits would be reduced upon approval of the WFFA grant. If the FNS unit did not jointly apply for WFFA and FNS, a Notice of Adverse Action is required.

H. Conversion to Allotment Reduction

Once a claim is established, NC FAST sends the DSS-8554, Notice of Overissuance containing the Notice of Adverse Action's requirement for the client to request an appeal. If an allotment reduction is invoked following the expiration of the ten workdays provided in this notice, no further Notice of Adverse Action is required.

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I. Loss of Certification/Disqualification of Treatment Center

Terminate benefits of residents of a drug or alcoholic treatment center or a group living arrangement if the facility either loses its certification from the appropriate agency or has its status as an authorized representative suspended due to being disqualified as a retailer by Food and Nutrition Services. However, residents of group living arrangements may apply on their own behalf and be eligible to participate.

J. Voluntary Request for Termination or Reductions of Benefits

When a household requests, in writing or verbally, that its benefits be reduced or terminated, refer to 635.06.

K. Last Month of Certification Period

L. Month prior to the last month of the certification, when the change cannot be made in time to affect benefits for the last month of the certification period.

635.05 CANCELING OR VOIDING THE NOTICE OF ADVERSE ACTION

Void Notices of Adverse Action only when:

- A. Benefits are being reduced or terminated due to failure to comply with a work requirement and the non-compliance is cured prior to the sanction being invoked. (Once the sanction is imposed, it cannot be stopped.)

EXAMPLE: A Notice of Adverse Action is issued on January 5 to decrease benefits effective January 31. The FNS unit cures the sanction on January 28. The notice is voided.

- B. The FNS unit requests a hearing with continued benefits. If the FNS unit wins the appeal, the notice is voided by the appeal decision. If county action is affirmed, the adverse action is only delayed.
- C. The notice was issued in error.
- D. A case is sent to Transitional Food and Nutrition Services Benefits.
- E. The household provides sufficient information to determine eligibility and/or benefit level, prior to the effective date of the Notice of Adverse Action. Act on new circumstances in accordance with 450.06 and 550.04 "Reacting to Changes". If necessary, adjust the households' participation with a new DSS-8553, Notice of Adverse Action.

635.06 CONFIRMATION OF VOLUNTARY TERMINATION OF BENEFITS (DSS-8632)

Use the Confirmation of Voluntary Termination of Benefits, DSS-8632, to notify a FNS unit of a proposed reduction or termination of benefits within a certification period when a Notice of Adverse Action is not required.

- A. Move from a County or State

When the FNS caseworker receives notification that the FNS unit has moved from the county or state, send a DSS-8632, Notice of Termination, no later than the next scheduled issuance date. If the new address is unknown, send the notice to the last known address with a request to "please forward" on the outside of the envelope.

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NOTE: Refer to Manual Sections 450, 550 or 600 to determine if the change must be reacted to.

B. Voluntary Request for Termination or Reduction

When the FNS unit requests, in writing or verbally, to reduce or terminate its benefits, send a DSS-8632. If the FNS unit does not provide a written request, send the FNS unit a DSS-8632 confirming the voluntary request. Written request does not include the same rights as a notice of adverse action except that the FNS unit may request a fair hearing.

635.07 CHANGE REPORT FORM

Give a FNS unit subject to Simplified Reporting requirements a DSS-8550 at application, recertification, and anytime that a DSS-8550 is received by the agency.